

Serial No. 09/986,458

REMARKS

Claims 1, 2, 4, 5 and 8-14 are pending. Claims 3, 6 and 7, have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicants would like to thank supervisory examiner O'Shea and examiner Choi for their valuable time and their helpful comments during the interview of 9 September 2003. During the interview, it was agreed that the claims should recite that the failure detection "occurs in response to" the engine starting operation. Examiner Choi felt that the previous language, which simply recited that the "failure detection means is operable in response to an engine starting operation" only required that the engine be running when error detection takes place.

Claims 1 and 12 have been amended to include the language suggested at the interview. That is, both claim 1 and claim 12 now recite that the error detection occurs in response to an engine starting operation. This feature is not found in the Toda patent, and the failure detection in the Toda patent starts when the light switch is turned on. Therefore, claims 1 and 12 and their dependents are considered to be allowable over the prior art of record.

In the interview, supervisory examiner O'shea mentioned that claim 6 was not written in the order of the flow chart of the present invention, and she indicated that it was thus confusing and difficult to read. In response, claim 6 has been canceled, and new claim 14 has been added as an orderly method claim. Note that claim 14 recites the language that was added to claims 1 and 12. That is, claim 14 recites that the failure detection occurs in response to the starting of the engine. Therefore, method claim 6 and its dependents are considered to be allowable for the same reason that claims 1 and 12 are thought to be allowable. That is, the Toda patent fails to show or suggest a failure detection operation that occurs in response to an engine starting operation.

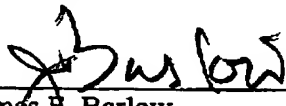
The applicants respectfully request entry of this amendment. Since the new language is essentially the same as the language that previously appeared in the claims, no new issues have been raised. The claims have been worded in a slightly different manner for clarification of the invention. Claim 14 is new, but claim 14 contains limitations that are essentially the same as those appearing in earlier claims. Therefore, claim 14 raises no new issues.

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In view of the forgoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


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